

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
TERRE HAUTE DIVISION**

ELIZABETH FEISE,	)	CASE NO. 2:22-429
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
JUSTIN REID WILLIAMS and	)	
THE SYGMA NETWORK, INC.,	)	
	)	
Defendants.	)	

**DEFENDANT, THE SYGMA NETWORK, INC.'S, NOTICE OF REMOVAL**

Defendant, The Sygma Network, Inc. (“Defendant”), by its undersigned attorneys, hereby removes this action from the Vigo Superior Court of Indiana to the Terre Haute Division of the United States District Court for the Southern District of Indiana pursuant to 28 U.S.C. §§1332, 1441 and 1446. The grounds for removal are:

1. Plaintiff Elizabeth Feise (“Plaintiff”) filed a civil action, *Elizabeth Feise v. Justin Reid Williams and the Sygma Network, Inc.*, Cause No. 84D03-2206-CT-0003362, in the Vigo Superior Court of Indiana on June 2, 2022 (“State Court Action”).
2. Defendant, The Sygma Network, Inc., was served with Plaintiff’s Complaint on August 31, 2022, and its Answer to Plaintiff’s Complaint is due in state court on October 23, 2022.<sup>1</sup> This Notice is accompanied by copies of all process, pleadings, and orders served upon or by the Defendants in this lawsuit. (See Exhibit A hereto.)

3. This Notice of Removal is filed within one year of the commencement of this action and “within thirty days after receipt by the defendant, through service or otherwise, of a copy of

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<sup>1</sup> Of course, Defendant is aware that its Answer post-removal is due in accord with Federal Rule of Civil Procedure 81.

an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable,” as mandated by 28 U.S.C. § 1446. “The language in section 1446(b) states as clearly as possible that the one-year clock for removal of initially non-removable diversity cases starts running when the action commences in state court.” *First Merchants Trust Co. v. Wal-Mart Stores E., LP*, 630 F. Supp. 2d 964, 970 (S.D. Ind. 2008). Under Indiana Rule of Trial Procedure 3, “a plaintiff commences a civil action by filing the complaint, paying the appropriate filing fee, and providing the clerk with the requisite number of copies of the complaint and summons.” *Id.* Plaintiff filed her Complaint on June 2, 2022, but it was not served upon Defendant The Sygma Network, Inc. until August 31, 2022. Thus, this Notice of Removal, is filed within one year of the commencement of the action under 28 U.S.C. § 1446(b), and thirty (30) days after service upon The Sygma Network, Inc.

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332. There is complete diversity of citizenship of the Parties to this case as demonstrated by the following:

- a. Plaintiff Elizabeth Feise is a citizen of the State of Indiana.
- b. Defendant, The Sygma Network, Inc., is a foreign corporation, incorporated in Delaware with its principal place of business in Houston, Texas. Thus, the Sygma Network, Inc. is a citizen of the states of Texas and Delaware, and is not a citizen of the State of Indiana. *See* 28 U.S.C. § 1332(c)(1).

- c. Defendant Justin Reid Williams is a citizen of the State of Illinois.

5. The amount in controversy exceeds the sum of the \$75,000 jurisdictional requirement, as Plaintiff has declined to stipulate that she will not seek or accept more than \$75,000 in damages.

6. This lawsuit is, therefore, a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332 and is one which may be removed to this Court under 28 U.S.C. §§ 1441 and 1446. Further, removal to this judicial district and division is proper under 28 U.S.C. § 1441(a), as this district and division embrace Vigo County, Indiana where this lawsuit is pending.

7. Upon information and belief, Defendant Justin Reid Williams has not been served with process, and as such, his consent is not required to remove this case. *See* U.S.C. § 1446(b)(2)(A).<sup>2</sup>

8. Promptly after it is filed with this Court, Defendant will serve this Notice on Plaintiff and file a copy of this Notice with the Clerk of the Vigo Superior Court.

9. The Notice is signed in accordance with Federal Rule of Civil Procedure 11.

WHEREFORE, Defendants Justin Reid Williams and The Sygma Network, Inc. remove this action to the United States District Court, Southern District of Indiana, Terre Haute Division.

Respectfully submitted,

FROST BROWN TODD LLC

By: /s/ Adam S. Ira  
Kevin C. Schiferl, #14138-49  
Adam S. Ira, #32017-49  
*Attorneys for Defendant The Sygma Network*

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<sup>2</sup> However, if and when Defendant Justin Reid Williams is served with process, the undersigned counsel will most likely appear on his behalf.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 29<sup>th</sup> day of September, 2022, the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system.

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